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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,419	03/20/2001	Takashi Honda	FUJA 18.480	2456
26304	7590	11/08/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			HO, CHUONG T	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/812,419

Applicant(s)

HONDA ET AL.

Examiner

CHUONG T. HO

Art Unit

2664

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☒ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-11.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

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1. The new limitations "the transfer of a switch is achieved by using K bytes (2 bytes) on protection channel and the ring network including, at least, a means for relieving failure occurring at opposing adjacent nodes when LP-S and SF-P are set as the same APS byte " (claim 1, page 2, lines 10-12) request new search, new consideration.
2. The new limitations "the transfer of a switch is achieved by using K bytes (2 bytes) on protection channel and the ring network including, at least, a means for relieving failure occurring at opposing adjacent nodes when LP-S and SF-P are set as the same APS byte " (claim 2, page 3, lines 1-3) request new search, new consideration.
3. The new limitations "wherein relay node, each being operable when one of LP-S or SF-P is received from one direction and an SF-R (ring-switch) request is received from another direction when the LP-S and SF-P are set as the same APS byte, between said first node and said second node enter into a K byte pass-through state allowing only the K bytes pass therethrough when receiving a switch request having the highest priority level directed to second node from first node " (claim 3, page 3, lines 5-10) request new search, new consideration.
4. The new limitations "wherein relay nodes, each being operable when one of LP-S or SF-P is received from one direction and an SF-R (ring switch) request is received from another direction when the LP-S and SF-P are set as the same APS byte, between said first node and said second node enter into a K byte pass-through state allowing only the K bytes to pass therethrough when receiving a switch request having the

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highest priority level directed to said second node from said first node" (claim 4, page 3, lines 12-17) request new search, new consideration.

5. The new limitations "the transfer of a switch is achieved by using K bytes (2 bytes) on protection channel and the ring network including, at least, a means for relieving failure occurring at opposing adjacent nodes when LP-S and SF-P are set as the same APS byte" (claim 5, page 4, lines 7-9) request new search, new consideration.

6. The new limitations "the transfer of a switch is achieved by using K bytes (2 bytes) on protection channel and the ring network including, at least, a means for relieving failure occurring at opposing adjacent nodes when LP-S and SF-P are set as the same APS byte" (claim 6, page 4, lines 17-19) request new search, new consideration.

7. The new limitations "the transfer of a switch is achieved by using K bytes (2 bytes) on protection channel and the ring network including, at least, a means for relieving failure occurring at opposing adjacent nodes when LP-S and SF-P are set as the same APS byte" (claim 7, page 5, lines 10-12) request new search, new consideration.

8. The new limitations "the transfer of a switch is achieved by using K bytes (2 bytes) on protection channel and the ring network including, at least, a means for relieving failure occurring at opposing adjacent nodes when LP-S and SF-P are set as the same APS byte" (claim 8, page 6, lines 1-3) request new search, new consideration.

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9. The new limitations "the transfer of a switch is achieved by using K bytes (2 bytes) on protection channel and the ring network including, at least, a means for relieving failure occurring at opposing adjacent nodes when LP-S and SF-P are set as the same APS byte " (claim 9, page 6, lines 12-14) request new search, new consideration.

10. The new limitations "the transfer of a switch is achieved by using K bytes (2 bytes) on protection channel and the ring network including, at least, a means for relieving failure occurring at opposing adjacent nodes when LP-S and SF-P are set as the same APS byte " (claim 10, page 7, lines 1-3) request new search, new consideration.

11. The new limitations "the transfer of a switch is achieved by using K bytes (2 bytes) on protection channel and the ring network including, at least, a means for relieving failure occurring at opposing adjacent nodes when LP-S and SF-P are set as the same APS byte " (claim 11, page 7, lines 10-12) request new search, new consideration.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T. HO whose telephone number is (571) 272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/07/05

A handwritten signature in black ink, appearing to read 'W. Chin', with a long horizontal flourish extending to the right.

**WELLINGTON CHIN**  
**SUPERVISORY PATENT EXAMINER**